

REMARKS

The Office Action notes that claims 1-30 are pending in the application. The applicants hereby cancel claims 1-21 and 27-30, amend claims 22-26, and add claims 31-40.

The applicants have amended claims 22-24 and 26 to place these claims in independent form. The amendment to claim 25 changes the dependency from claim 16 to claim 24. Accordingly, no new matter has been added through amendment.

New claims 31-40 relate to the power management features of the cargo security system, which are described in detail on pages 8 and 9 of the specification.

Accordingly, no new matter has been added through the introduction of new claims.

Allowable Subject Matter

The Office Action objected to claims 23 as being dependent on a rejected base claim, but otherwise indicated that claim 23 would be allowable if written in independent form. The applicants thank the examiner for the indication of allowability and have redrafted claim 23 in independent form. Therefore, claim 23 is in condition for allowance.

Claim Objections

The Office Action objects to claim 26 for a minor informality. The amendments presented herein render this objection moot.

Claim Rejections – 35 USC § 102 and 35 USC § 103

Cancelled claims 1-21 and 27-30 were rejected either under 35 USC § 102 or 35 USC § 103. The cancellation of these claims renders the rejections moot. However, the applicants in no way acquiesce as to the substance of the rejections. The applicants merely chose, for this application, to pursue the aspects recited in the

pending claims. The applicants will pursue the subject matter recited in the cancelled claims through continuation applications.

Of the remaining claims, claims 22 and 24-26 stand rejected under 35 USC § 103 as being unpatentable over Meyer et al. (patent application no. 2004/0178880). The applicants traverse these objections on two grounds.

First, for each rejection, the examiner concedes that the Meyer is missing a limitation of the claim, but the examiner fails to either provide a reference that teaches the missing limitation or take Official Notice that the limitation is known in the art. Therefore, the applicants respectfully request that the examiner either withdraw the rejections of claims 22-26, provide a reference that discloses the missing limitations, or take Official Notice that such a limitation exists. Without one of these courses, applicants are placed at a disadvantage because the rejection is incomplete.

Second, for each rejection, the examiner uses hindsight or faulty logic when providing a motivation for modifying Meyer to include the missing feature. This is demonstrated by reference to the actual text of the rejections.

In the rejection of claim 22, the examiner concedes that the

[The] reference fails to disclose forcing the system to use main power if available, even though the back up power source has higher voltage. However, a skilled artisan would have readily recognized that it would be desirable to conserve battery power and only use it when it is necessary; that is, only when the main power is unavailable or inadequate.

Yet, the examiner never provides a reason why it would be obvious to modify the specific system of Meyer to include the recited limitation. Further, while a person of skill in the art might find it desirable to conserve battery power in general, the Office Action provides no basis for why one of skill in the art would provide Meyer with the specific solution of forcing a cargo security system to use the main power source even if the battery back up had a higher voltage. Based on the evidence of record, one of skill in

the art would only be motivated to use such a solution after reading the applicants disclosure. Therefore, the 103 rejection is based on hindsight and should be withdrawn.

In the rejection of claim 24, the examiner concedes that the

[The] reference fails to disclose increasing control pulse duration in response to low temperature or voltages. Nonetheless, it would have been obvious to one of ordinary skill in the art to use longer control pulse durations in response to low temperature or voltages because is it desirable to maintain the duration of the signal for control.

In this instance, the examiner's reasoning is circular. The examiner concludes that it would be obvious to use longer control pulse durations in Meyer. However, the examiner's only evidence is that it would be "desirable to maintain the duration of the signal for control". The premise and the conclusion are exactly the same.

Finally, in the rejection of claim 26, the examiner concedes that

Meyer [the reference] fails to disclose including the steps of providing a security device latch, providing one of a short reverse pulse and a high impedance to stop security device latch movement at the desired position. However, the use of the latch to maintain the lock position of a door lock is conventional in the art, therefore, one skilled in the art would provide a latch for the lock of Meyers. Regarding the claimed providing one of a short reverse pulse and a high impedance to stop the latch movement at a desired position, it is within the knowledge of a skilled artisan to employ these steps or the equivalent thereof to put the door latch at the desired position. This feature would not be considered inventive.

Here, the examiner's motivation is conclusory. The Office Action does not provide a single reason why one of skill in the art would "employ these steps" in the method of Meyer.

An obviousness rejection requires more than merely concluding that a limitation is known in the art and that it would be obvious to modify the base reference to include the limitation. An obviousness rejection requires that the examiner provide both a

source that discloses the missing limitation and some teaching, suggestion, or motivation that would compel one of skill in the art to modify, *specifically*, the base reference to include the limitation. The rejections of claims 22 and 24-26 fail in both these respects.

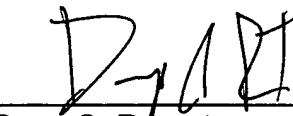
New claims 31-40 are allowable for at least the same reasons as given with respect to claims 22 and 24-26.

Conclusion

In view of the aforesaid, the applicants respectfully submit that the present application is in condition for allowance. Favorable reconsideration is requested.

Respectfully submitted,

SEYFARTH SHAW LLP

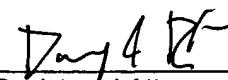


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